



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 1133-00  
26 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 30 July 1970 and at the age of 17. Your record reflects that on 18 August 1971 you received nonjudicial punishment (NJP) for making a false official statement and were awarded correctional custody for seven days, which was suspended for 30 days.

Your record further reflects that on 28 May 1971 you received NJP for a 17 day period of unauthorized absence (UA). The punishment imposed was correctional custody for 30 days and forfeitures totalling \$50.

On 3 February 1972 you submitted a written statement in which you requested assistance under a drug exemption program after disclosing your use of marijuana, hallucinogens, amphetamines, and mescaline. However, on 23 March 1972, your commanding officer recommended you be issued a general discharge due to your drug use/abuse. On 1 May 1972 the discharge authority

disapproved the foregoing recommendations and directed your retention in the Marine Corps under a drug exemption program. Shortly thereafter, on 8 May 1972 you received NJP for failure to obey a lawful order and failure to go to your appointed place of duty. The punishment imposed was reduction to paygrade E-1 and forfeitures totalling \$188. On 6 July 1973 you received your fourth NJP for failure to obey a lawful order and were awarded a \$50 forfeiture of pay.

On 15 August 1974, at the expiration of your enlistment, you were released from active duty under honorable conditions. On 15 August 1976, upon completion of your military obligation received a general discharge.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.9. An average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that you would like your discharge upgraded because it was based on one isolated incident. However, the Board concluded these factors were not sufficient to warrant a change in your discharge given the serious nature of your frequent misconduct, which resulted in four NJPs, and since your conduct average was insufficiently high to warrant an honorable discharge. Given all the circumstances of your case, the Board concluded your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director